

RAAB, STURM & GANCHROW, LLP

COUNSELORS AT LAW
2125 CENTER AVENUE, SUITE 100
FORT LEE, NEW JERSEY 07024
Tel: (201)292-0150
FAX: (201)292-0152

RONALD RAAB*
IRA A. STURM***
ARI D. GANCHROW*

MAURA E. BREEN**
SAMUEL R. BLOOM****

* ADMITTED IN NY AND NJ
** ADMITTED IN NY AND CT
*** ADMITTED IN NY AND FLA
**** ADMITTED IN NY, NJ AND MD

May 6, 2021

By: ECF
The Honorable Katherine Polk Failla
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York

MEMO ENDORSED

Re: Building Service 32BJ Health Fund, et al.
v.
Fifth Avenue Building Company, LLC, et al.
S.D.N.Y. Docket No. 20-CV-6302 (KPF)

Dear Judge Failla,

Please accept the following motion letter asking to adjourn the upcoming conference scheduled for May 19, 2021 at 10:00 am on the ground that the parties are in the processing of resolving the issues raised in the complaint. The parties request that the case be dismissed without prejudice, but with the right of either party to reopen the action should a settlement not be consummated. The parties request that the time period to so move be for sixty (60) days.

Respectfully submitted,

s/ Ira A. Sturm

cc: Jerold Goldberg, Esq. (By: ECF)

Application GRANTED. All deadlines and conferences are hereby adjourned. Furthermore, the Court ORDERS that this action be conditionally discontinued without prejudice and without costs; provided, however, that on or before **July 5, 2021**, the parties may submit to the Court their own Stipulation of Settlement and Dismissal for the Court to So Order. Otherwise, within such time Plaintiff may apply by letter for restoration of the action to the active calendar of the Court in the event that the settlement is not consummated. Upon such application for reinstatement, the parties shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket, and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within ten (10) days of the application, to schedule remaining pretrial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event that Plaintiff has not requested restoration of the case to the active calendar on or before **July 5, 2021**.

The Clerk of Court is directed to terminate all pending motions, adjourn all remaining dates, and close this case.

Dated: May 6, 2021
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE